

deliver goods, wares, merchandise to the owner, agent or consignee thereof upon payment of less than the legal rates due for the transportation thereof,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

(Floor report.)

DAVIDSON of Galveston, Chairman.

FORTIETH DAY.

Senate Chamber,
Austin, Tex., Thursday, March 19, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.
Henderson.	

Absent.

Douglass. Faubion.

ROLL CALL OF OFFICERS AND EMPLOYES.

Present.

Clyde D. Smith.
W. E. DeLamar.
R. M. Gilmore.
Amos Wynne.
W. M. Cobb.
Eldred McKinnon.
Mrs. Laura V. Grinnan.
F. P. Smith.
Miss Lucy Lane.
C. H. Allen.
D. F. Hughes.
Frank Mullins.
C. J. Kirk.
Rev. I. S. Davenport.
Miss May Fant Odom.
J. C. Son.
Miss Georgia Sturgess.
Mrs. Hattie Yarbrough.
Mrs. Hope H. Hawkins.
Miss Emily Holcomb.
Mrs. J. R. Van Orden.
Miss Bessie Goldstein.
Miss L. Stanley.

W. T. Pace.
W. A. Shaw, Jr.
Lucien Goss.
H. Davenport.
Chas. Lane.
Willis Gibson.
Henry Paulus.
Evetts Thornhill.
Walter Savage.
James Sebastian.
Willie Bray.
James Snipes.
Ed Underhill.
Will Bartley.
Reed Pearson.
Josh Piles.
Ellis Munroe.
Albert Hill.
Dan Edwards.
Mark Marsh.
Jim Hill.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Hale, the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Faust offered the following memorial:

March 1, 1903.

To the Honorable Twenty-eight Legislature of Texas:

We, the undersigned residents of Comal county, hereby urgently request you to vote for and give whatever other support may be in your power to the bill to appropriate \$200,000 for an exhibit of the State's resources at the World's Fair to be held in St. Louis in 1904. We are moved to this action by the belief that as a business proposition it offers us an opportunity that Texas cannot afford to neglect, and, further, by the belief that if we should not be properly represented there, it would reflect discreditably on the State and be a reproach to its people. However much lawyers may disagree in a narrow construction of the Constitution, we do not believe that it was intended to inhibit such measures of self-help, and we are confident that in supporting this bill you will carry out the wishes of a large majority of your constituents.

(The above memorial was numerously signed throughout Senator Faust's district.)

BILLS AND RESOLUTIONS.

Senator Henderson offered the following resolution:

Senate Concurrent Resolution No. 13,
Providing for the removal of the Land Office to the capitol building.

Read first time, and referred to Committee on State Affairs.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 114, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches, and to keep the same lights from sunset to sunrise, and requiring all railway corporations operating a line of railway in the State of Texas to place derailing switches on all sidings connecting with the main line, and upon which sidings cars are left standing, and providing penalties and remedies for the violation of the provisions of this act, and providing an emergency," with amendments:

"Amend by adding at end of Section 3 the following: 'Provided, the provision of Section 1 of this act shall not apply on railroad lines or divisions where no trains are run or operated at night.'"

Senate bill No. 141, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Beaumont; to grant it a special charter, and to fix its boundaries,' passed by the Twenty-sixth Legislature, Chapter 12 of the Special Laws of the said Legislature, approved May 12, 1899, by amending Sections 28 and 36 of said act, and by adding thereto Sections 28a, 28b, 28c, 28d, 28e, 28f, 28g, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 36h, 36i, 36j, defining the jurisdiction and power of the city council with reference to streets, alleys, public grounds and highways, and the duty of said council in letting contracts for works of improvement and public works in the said city of Beaumont; and by said additional sections defining the jurisdiction of the city council and liability of the citizens of said city with reference to the construction of sidewalks and pavements on the public streets and highways of the said city; and providing a general system to secure the construction of sidewalks and pavements on public streets and highways of the said city, and the manner whereby due and proper proceedings may be had in order to fix the liability of property owners in respect to such sidewalks and pavements; and providing a method for the collection of such amounts as may become due the city in this connection, and declaring an emergency,"

Senate bill No. 204, A bill to be entitled

"An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring, with power to maintain and operate street railways and suburban or belt lines of railway within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Morning call concluded.

UNFINISHED BUSINESS—HOUSE BILL NO. 20.

Action was again resumed, as unfinished business, on House bill No. 20 (see page 666 of yesterday's Journal for caption).

HOUSE BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 400, "An Act to amend Chapter 114, of the Acts of the Twenty-seventh Legislature, approved April 18, 1901, entitled 'An Act to create a more efficient road system for the counties of this State,' etc., so as to place Collin county under the provisions of said act, and declaring an emergency."

House bill No. 142, "An Act to extend the time of payment of the State and county taxes for the year 1902 in the counties of Milam, Caldwell and Colorado, until October 1, 1903."

House bill No. 425, "An Act to amend Sections 30, 35 and 10, of Chapter 49, of the Acts of the Twenty-seventh Legislature of the State of Texas, creating a more efficient road system for Fayette, Uvalde and Frio counties."

(Senator Hanger in the chair.)

PRIVILEGED MOTION.

Senator Hicks called up

Senate bill No. 114, A bill to be entitled "An Act requiring all railway corporations operating a line of railway in the State of Texas to place switch lights on all their main line switches, and to keep the same lights from sunset to sunrise, and requiring all railway corporations operating a line of railway in the State of Texas to place derailing switches on all sidings connecting with the main line, and upon which sidings cars are left standing, and providing penalties and remedies for the violation of the provis-

ions of this act, and providing an emergency,"

For the purpose of concurring in the following amendments:

"Amend by adding at end of Section 3 the following: 'Provided, the provision of Section 1 of this act shall not apply on railroad lines or divisions where no trains are run or operated at night.'"

Senator Hicks moved that the House amendments be concurred in.

The motion prevailed by the following vote:

Yeas—25.

Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Henderson.	Wilson.
Hicks.	

Absent.

Beaty.	Harbison.
Douglass.	Harper.
Faubion.	Stafford.

Senator Hicks moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

Senator Hale offered the following resolution:

Senate Concurrent Resolution No. 14, Constituting a joint committee of the Senate and House of Representatives to prepare a report to be submitted at a subsequent session of the Legislature, comprising a revision of the school laws, and making an appropriation to carry out the purpose of the resolution.

Read first time, and referred to Committee on Educational Affairs.

By Senator Wilson:

Senate bill No. 313, A bill to be entitled "An Act to define what law shall govern and control contracts made in another State between citizens, corporation, joint joint stock companies and co-partnerships of Texas, and citizens, corporations, joint stock companies and co-partnerships residing in or doing business in another State."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Perkins:

Senate bill No. 314, A bill to be entitled "An Act to regulate the employment of the State penitentiary convicts, and to provide for the employment of short-term convicts upon the public roads of the several counties."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Paulus and Lipscomb:

Senate bill No. 315, A bill to be entitled "An Act creating a Board of Trustees of San Jacinto Battlefield; defining the duties of the same, and appropriating \$30,000 for the improvement and protection of the San Jacinto battlefield."

Read first time, and referred to Committee on Finance.

By Senator McKamy:

Senate bill No. 316, A bill to be entitled "An Act to amend Section 2 of the charter of the city of Dallas, relative to the boundary lines of said city, and adding thereto Section 2a, by changing said boundary and limits of the said city of Dallas, thereby including the corporation and city of Oak Cliff and annexing the territory thereof to the city of Dallas, and abolishing the corporation of the city of Oak Cliff."

Read first time, and referred to Committee on Towns and City Corporations.

SENATE BILL NO. 305.

On motion of Senator Davidson of Galveston, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 305.

The Chair laid before the Senate, at its second reading,

Senate bill No. 305, A bill to be entitled "An Act to amend Sections 5, 6, 8, 11, 12, 13, 16, 17, 18, 19, 20, 21, 24, 30, 32, 33, 34, 35, 36, 38, 39, 41, 44, 46, 47, 49, 51, 54, 55, 56, 59, 61, 62, 66, 67, 69, 70, 73, 77, 78, of 'An Act incorporate the city of Galveston, and grant it a new charter, and repeal pre-existing charters,' approved April 1901, and to further amend said act adding thereto Section 12a; and to repeal Sections 79, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91 and 92 of said act and to repeal all laws and parts of laws in conflict herewith."

Bill was read second time, and ordered engrossed.

On motion of Senator Davidson of Galveston, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its reading and final passage by the following vote:

Yeas—26.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Patteson.
Faust.	Paulus.
Grinnan.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Douglass.	Hale.
Faubion.	Perkins.
Faulk.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Patteson.
Faust.	Paulus.
Grinnan.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Douglass.	Hale.
Faubion.	Perkins.
Faulk.	

Senator Davidson of Galveston moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 127.

On motion of Senator Paulus, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 127.

The Chair laid before the Senate, on its third reading,

Senate bill No. 127, A bill to be entitled "An Act to fix and regulate the salaries of the superintendent and assistant physicians of the insane asylums of the State of Texas, and to regulate the appointments of the assistant physicians."

Senator Savage offered the following amendment:

"Strike out 'three thousand dollars'

in line 14, Section 1, and insert 'twenty-five hundred dollars.'"

The amendment was read and lost by the following vote:

Yeas—17.

Brachfield.	Henderson.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Faust.	Mills.
Grinnan.	Morris.
Hanger.	Patteson.
Harbison.	Perkins.
Harper.	Savage.

Nays—10.

Beaty.	Hill.
Decker.	Paulus.
Faulk.	Sebastian.
Hale.	Stafford.
Hicks.	Willacy.

Absent.

Davidson of	Faubion.
Galveston.	Wilson.
Douglass.	

The bill was read third time, and passed.

Senator Paulus moved to reconsider the vote by which the bill was passed, and spread that motion on the Journal.

The motion prevailed.

SENATE BILL NO. 304.

On motion of Senator Hill, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 304.

The Chair laid before the Senate, on its second reading,

Senate bill No. 304, A bill to be entitled "An Act to name the several counties composing the Fifty-first Judicial District, and to fix the times for holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith."

Bill was read second time, and ordered engrossed.

On motion of Senator Hill, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Hale.
Brachfield.	Hanger.
Cain.	Harbison.
Davidson of	Harper.
DeWitt.	Henderson.
Decker.	Hicks.
Faulk.	Hill.
Faust.	Lipscomb.
Grinnan.	Martin.

McKamy.
Mills.
Morris.
Patteson.
Paulus.

Perkins.
Savage.
Sebastian.
Stafford.
Willacy.

Absent.

Davidson of Faubion.
 Galveston. Wilson.
Douglass.

The bill was read third time, and passed by the following vote:

Yeas—26.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Faulk.	Morris.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	

Absent.

Davidson of	Faubion.
Galveston.	Patteson.
Douglass.	Wilson.

Senator Hill moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 231.

On motion of Senator McKamy, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 231.

The Chair laid before the Senate, on its second reading,

Senate bill No. 231, A bill to be entitled "An Act amending Chapter 15, of Title LXXXVI, Revised Statutes of Texas. 1895, by amending Article 3995, authorizing trustees of towns and villages incorporated for free school purposes only to issue bonds payable at a date not exceeding forty years from their date, for the purpose of purchasing or constructing public free school buildings and sites therefor, and by adding to said chapter Article 3995b, providing for the refunding of bonds legally issued by such towns and villages, and authorizing the State Treasurer, upon the order of the Board of Education, to exchange bonds not matured held by him for the permanent school fund for new refunding bonds issued by the same incorporation under the provisions of this act."

Bill was read second time, and ordered engrossed.

On motion of Senator McKamy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Faulk.	Morris.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.

Absent.

Decker.	Patteson.
Douglass.	Wilson.
Faubion.	

The bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Decker.	Faubion.
Douglass.	

Senator McKamy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 381.

On motion of Senator Henderson, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 381.

Senator Henderson moved that the Senate rule requiring committee reports to lie over for one day be suspended.

The motion prevailed.

The Chair laid before the Senate, on its second reading,

House bill No. 381, A bill to be entitled "An Act to create the Sixty-second Judicial District of Texas; to name the counties composing said district; to prescribe the time of holding the terms of the district court in said district, empowering the judge of the Sixth Judicial District to empanel the grand jury for Lamar county, and empowering the judge of the Eighth Judicial District to empanel the grand jury for Hunt and Delta counties, and giving authority to the judges of either the Sixth or Sixty-second Judicial Districts in the county of Lamar to transfer cases from their respective courts to the other of said courts, and giving authority to the judges of either the Eighth or Sixty-second Judicial Districts in the counties of Hunt and Delta to transfer cases from their respective courts in each of said counties to the other of said courts; and to provide for the appointment of a district judge for the Sixty-second Judicial District of Texas, and declaring an emergency."

Bill was read second time, and passed to a third reading.

On motion of Senator Henderson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	Mills.
Davidson of	Morris.
Galveston.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.
Henderson.	

Nays—1.

Grinnan.

Absent.

Decker.	McKamy.
Douglass.	Patteson.
Faubion.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Faust.
Cain.	Hale.
Davidson of	Hanger.
DeWitt.	Harbison.
Davidson of	Harper.
Galveston.	Henderson.
Faulk.	Hicks.

Hill.	Perkins.
Lipscomb.	Savage.
Martin.	Sebastian.
Mills.	Stafford.
Morris.	Willacy.
Paulus.	Wilson.

Nays—2.

Brachfield. Grinnan.

Absent.

Decker.	McKamy.
Douglass.	Patteson.
Faubion.	

Senator Henderson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 255.

On motion of Senator Davidson of DeWitt, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 255.

The Chair laid before the Senate, on its second reading,

Senate bill No. 255, A bill to be entitled "An Act to amend Articles 529g and 529v, of Chapter 130, of the General Laws of the State of Texas, of 1901, and adding thereto Article 529x, relating to the offenses for the protection of fish, birds, game, etc., and repealing all laws in conflict therewith."

Senator Davidson of DeWitt offered the following amendment:

"Amend page 1, line 28, by striking out the word 'east' after the word 'north.'"

The amendment was adopted.

Senator Davidson of DeWitt offered the following amendment:

"Amend by adding after the words 'Oyster Lake' and all that body of water in Cameron county west of straight line county as 'Portrea Largo,' and that nated on the Land Office map of Cameron the Buena Vista grant called and designated to the extreme eastern point of the Rio Grande Railroad wharf at Point drawn from the T head or outer end of body of water in Cameron and Nueces county known as Baffins bay."

The amendment was adopted.

Senator Davidson of DeWitt offered the following amendment:

"Amend page 2, line 7, by striking out 'Baffins Bay and Aqua Dulce,' and place in lieu thereof after the word 'chart,' in line 6, 'all of the waters of Laguna Madre except Baffins Bay and from Rio Grande Railroad wharf to Portrea Largo, and which shall be closed at all times.'"

Senator Willacy offered the following amendment to the amendment:

"Amend the amendment by adding af-

ter the words 'Baffins Bay' the following: 'All that portion of water known as Red Fish Bay in Aransas and Nueces counties, being all that body of water lying west of and between Shell Banks, Bird Island, Hog Island, Blackberry Island and Ransoms Island, on the east and the mainland on the west; also all that portion of water in San Patricio and Nueces counties lying north of a line drawn from the south end of the San Antonio & Aransas Pass Railway bridge and running in an easterly direction to the extreme southern point of Tatches's peninsula.'"

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

Senator Davidson of DeWitt offered the following amendment:

"After the words 'San Antonio Bay' add all that portion of water in Espiritu Santo Bay, in Coleman county, north of a line drawn from the east end and north bank of the channel at steamboat dug-out and running in a northeasterly direction to the east point of Blackberry Island; and all water in Espiritu Santo Bay north of a line starting from east part of Blackberry Island; thence in an easterly direction to the north side of the channel where Big Bayou enters Matagorda Bay.'"

The amendment was adopted.

Senator Willacy offered the following amendment:

"Amend by striking out all of lines 14, 15, 16, 17, 25, 26, 27, 28 and 29, page 3 of the bill."

The amendment was adopted.

Bill was read second time, and ordered engrossed.

On motion of Senator Davidson of DeWitt, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	Mills.
Davidson of	Morris.
Galveston.	Paulus.
Decker.	Perkins.
Faulk.	Savage.
Faust.	Sebastian.
Grinnan.	Stafford.
Hale.	Willacy.
Hanger.	Wilson.
Harbison.	

Absent.

Douglass. Faubion.

Harper.	McKamy.
Henderson.	Patteson.

The bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Davidson of	Mills.
Galveston.	Morris.
Decker.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Henderson.	Wilson.

Absent.

Douglass. Harper.

Senator Davidson of DeWitt moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

COMMITTEE REPORTS.

(By unanimous consent.)

EDUCATIONAL AFFAIRS.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Substitute House bill No. 10, A bill to be entitled "An Act to amend Section 1, of Chapter 111, of an act passed by the Twenty-seventh Legislature, in Regular Session, same being 'An Act to amend Section 4, of Chapter 111, of an act passed by the First Called Session of the Twenty-sixth Legislature, to provide a uniform method of selecting trustees in independent school districts, so as to provide for the assessing and collecting of taxes in independent school districts,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and be not printed.

(Floor report.)

STAFFORD, Chairman.

JUDICIAL DISTRICTS.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Judicial Districts, to whom was referred

House bill No. 381, A bill to be entitled "An Act to create the Sixty-second Judicial District of Texas; to name the counties composing said district; to prescribe the time of holding the terms of the district court in said district, empowering the judge of the Sixth Judicial District to empanel the grand jury for Lamar county, and empowering the judge of the Eighth Judicial District to empanel the grand jury for Hunt and Delta counties, and giving authority to the judges of either the Sixth or Sixty-second Judicial Districts in the county of Lamar to transfer cases from their respective courts to the other of said courts, and giving authority to the judges of either the Eighth or Sixty-second Judicial Districts in the counties of Hunt and Delta to transfer cases from their respective courts in each of said counties to the other of said courts; and to provide for the appointment of a district judge for the Sixty-second Judicial District of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that the bill be not printed.

BEATY, Chairman.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Privileges and Elections, to whom was referred

Senate bill No. 116, A bill to be entitled "An Act to regulate elections, and to prescribe penalties for its violation,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not* pass as a similar bill has already passed the House.

DECKER, Chairman.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Privileges and Elections, to whom was referred

Substitute House bill Nos. 45 and 170, A bill to be entitled "An Act to regulate elections, and to prescribe penalties for its violation,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, and that it be not printed.

DECKER, Chairman.

Joint Committee Room,
Austin, Texas, March 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: The Sub-committee of your Committee on Education, appointed to act conjointly with a similar sub-committee of the House in the preparation of a report which should comprise a revision of the School Laws, submit the following report on behalf of the said Joint Committee:

It has been found to be wholly impossible within the time available to prepare the revision of the School Laws contemplated in the concurrent resolution establishing this Committee, and we recommend the appointment of another Joint Committee who shall, as soon after the adjournment of the Legislature as practicable, prepare and submit to both houses at a subsequent session of the Legislature a report which shall comprise a thorough revision of the School Laws; that the said Joint Committee be constituted as follows: the Chairman of the Committee on Education of the House of Representatives, with three other members of that Committee to be appointed by the Chairman, and the Chairman of the Committee on Educational Affairs of the Senate, with two others of that Committee to be appointed by the Chairman; and that an appropriation of one thousand (\$1000) dollars, or so much thereof as may be necessary, be made to defray the expenses of the Committee, which expenses shall not exceed five dollars per diem for each member during sessions of the Joint Committee.

GLENN, Chairman Joint Committee.

JOINT COMMITTEE REPORT ON HOUSE CONCURRENT RESOLUTION NO. 5.

Hon. Geo. D. Neal, President of the Senate, and Hon. Pat M. Neff, Speaker of the House of Representatives.

SIRS: We your Joint Committee, appointed in accordance with the provisions of House Concurrent Resolution No. 5, providing for a joint committee of three members of the House and two of the Senate to visit the San Jacinto Battle Grounds, to investigate the matter of fitting said Battle Ground for a public park, beg to report,

That we, following the directions of the resolution, did, on the 9th day of March, visit the San Jacinto Battle Field; that we visited the main points of interest and the field as far as practicable.

That we find that the State owns 337 acres of land covering the entire Battle

Ground; that this is all the land necessary for the State to have, except a strip leading from the cemetery to the water's edge—this being necessary for a landing. We learn that the Daughters of the Republic are negotiating for this strip of land, and will tender it to the State without cost.

We find that the land owned by the State and embracing the Battle Field, is not fenced; that it will take 2,000 feet of fence to enclose it; that such fence can be had at from \$1,000 for wire, to \$2,000 for substantial iron fence; that trees that fought for Texas Independence by reason of concealing our soldiers from the enemy's view and sheltering from the fire, are being mutilated and destroyed; that the field once baptized in the blood of brave Texans has become a potters' field for negroes. The points of special interest are marked by iron pins, which is unsatisfactory and indefinite. The cemetery is neglected, the fences and markers falling down, the graves of our heroes sunken in. There is no water in the field or near except the salt water of the bayou. There is no convenient landing on the bayou, and no accessible route from the railroad station, which is three miles away.

We, therefore, most earnestly recommend that some legislation be had looking toward a systematic method of caring for the Battle Field, to the end that the same may be fenced with a substantial fence, that some one may be placed in charge to protect the timber and prevent other trespassing, care for and beautify the ground, show proper respect to the graves of our dead; that suitable markers of stone be placed at each point of special interest; that driveways be made throughout the field, that a flowing well be sunk on the ground; that a landing be provided on the water front; that all this and whatever else becomes necessary may be done decently and in order; we recommend that a Board of Trustees of the San Jacinto Battle Field be created by an act of the Legislature; that the same shall consist of seven members to be appointed by the Governor for a term of two years each, to serve without compensation, a majority of whom to be members of the Daughters of the Republic of Texas and who shall have complete control of the San Jacinto Battle Field, and direct the character of improvements to be made, and prescribe such rules as they deem necessary in protecting and maintaining the said San Jacinto Battle Field.

To secure such care and protection for the Field as is needed at present we recommend an appropriation of at least \$30,000 out of such funds not otherwise appropriated.

We submit the attached Memorial from the San Jacinto Chapter of the Daughters of the Republic as a part of our report, and ask that same be printed in the Journal in connection therewith.

PAULUS,
LIPSCOMB,
On part of Senate.
RIEGER,
GLENN,
BARRETT,
On part of House.

MEMORIAL.

To the Honorable the Members of the Twenty-eighth Legislatures

Your memorialists, San Jacinto Chapter, No. 2, of Harris county, is a division of the Daughters of the Republic of Texas, an association composed of the widows, wives and descendants of the early pioneers of Texas, who made the thrilling history of our State, and gave their lives and property in behalf of humanity and freedom, having for its aim and object the acquisition and preservation of historic spots, and cultivating in the hearts of the living and coming generations a sentiment of noble and inspiring patriotism. The special work undertaken by your memorialists involved the purchase and proper care of the San Jacinto battlefield and as a first essential step in this direction, in 1894, we addressed the Texas Veteran Association, asking that a committee of well informed members and participants in the battle be appointed to assist in defining accurately and authoritatively the boundaries of the battlefield. The result was that on the 4th of July, 1894, the following gentlemen accompanied San Jacinto Chapter to the battle ground, and defined the boundaries to wit: James M. Hill, L. C. Cunningham, S. F. Sparks, J. W. McHorse, J. W. Winters, James M. Harbour, Henry McCollough, J. R. Fern and F. R. Lubbock. The expenses of the trip were defrayed by the San Jacinto Chapter.

"Afterwards San Jacinto Chapter memorialized the Twenty-fifth Legislature for an appropriation to condemn and purchase 250 acres. The appeal was granted, and through a commission appointed by the Governor, 327 acres were purchased, embracing practically all of the battlefield except about ten acres fronting on the bayou. This particular tract being owned by a New York syndicate, the Commissioners could not acquire, because of the fact that they were limited to pay not exceeding \$25 per acre, and the land on the bayou front was assessed beyond this figure. There were in all four separate bills to complete the purchase as made.

"After the State had secured the ground, the importance of designating and marking where the historic scenes of the battle took place, while survivors were living, was the next work of San Jacinto Chapter.

"Of the five living participants in the battle, only one was found able to undergo the fatigue of a visit to the field—Mr. J. M. Winters, of Big Foot, Frio county. Accordingly, on June 4, 1901, a committee from San Jacinto Chapter, accompanied by Mr. Winters, Hon. S. J. Hendricks, a San Jacinto Commissioner; Mr. J. W. Maxcy, Civil Engineer in behalf of the State; Mr. Geo. A. Hill, Secretary for his father, Col. J. M. Hill, a San Jacinto Commissioner; and Mr. J. R. Fenn, who represented the Texas Veteran Association committee, rode very carefully over the battlefield and placed where the truth of history required, temporary iron markers, consisting of galvanized one inch pipe, twelve feet in length, with a cross at the top, and driven in the ground to about nine feet, No 1 designating the camp of General Houston, where he lay wounded under a tree, on the bank of Buffalo bayou, the spot where Santa Anna was delivered to him a captive. This marker is in the ten acres referred to above, and is not owned by the State. If acquired, condemnation must be exercised, as repeated efforts have been made to purchase from owners without avail.

"The following are within the boundaries of the State's property:

"No. 2. Position of Twin Sisters on the 20th, during the cannon battle and cavalry skirmish.

"No. 3. Camp of General Burleson's regiment.

"No. 4. Camp of General Millard's regiment.

"No. 5. Camp of General Lamar's regiment (cavalry).

"No. 6. Camp of General Sherman's regiment.

"No. 7. Line of Sherman's advance on the 21st.

"(b) Iron pipe on the line of Burleson's advance on the 21st.

"(a) Iron pipe on the line of artillery advance on the 21st.

"(M) Iron pipe on the line of Millard's advance on the 21st.

"(N) Double locust tree, Hockley's artillery advance on the 21st.

"Double oak marked X, position of Mexicans on the 20th, in Post Oak Grove.

"Iron pipe south of West Post Oak Grove, near old Sowell homestead, in shell bed, where cavalry fought on the 20th.

"No. 8. Iron cross south end of Mex-

ican breastworks, and cavalry engagement on the 21st.

"No. 9. Where Houston was wounded and lost his first horse, killed from under him.

"No. 10. Iron cross, Mexican cannon.

"No. 11. Iron cross north end of Mexican breastwork.

"No. 11½. Iron pipe cast iron cross No. 10, where General Santa Anna had his hammock swung, supported by four brass posts.

"No. 12. Iron cross where Mexicans were captured, including General Almonte, in a grove across the Santa Anna slough, where the dead Mexicans and horses made an effective pontoon bridge for over one hundred yards.

"These iron markers should be replaced by stone tablets.

"The expenses of this trip, too numerous to mention, were borne by San Jacinto Chapter and the members individually, managed to the best of their ability in behalf of Texas and its history.

"Thus far our work has been successfully accomplished, but much yet remains to be done before it can be said that Texas has evinced an adequate realization of her obligation to history. After the lapse of sixty-seven years, the battlefield of San Jacinto stands in its primitive grandeur, wild in high grass and tanglewood. Its groves of beautiful trees are being cut away by the vandal. Surrounding residents, regardless of color, claim and use it as a 'potters field.' Ye sons of Texas let not this condition remain; unlock your coffers, and decree honor unto San Jacinto, ere it is too late to preserve the identity of the ancient landmarks which played such a strategic part in that memorable struggle. Enshrined in song and story will live this historic field, and the sentiment of a few today will be that of thousands in the years to come. San Jacinto Chapter requests that you do not wait longer, but crown their labors with success, by giving them your moral and financial support. They ask no craven gift. They have a right to expect that a portion of what their forefathers won should be expended on its birthplace to save it from destruction. At San Jacinto they won an empire, and could have divided it among themselves, and each had a kingdom; and who could have said unto them, 'Nay?' With that which by their valor they won, they endowed a nation, and to your honorable body, the representatives of that nation, your memorialists most respectfully come with this petition, and earnestly ask that you approve, as recommended by ex-Governor Sayers in his last message, that the San Jacinto bat-

tlefield be enclosed and necessary improvements be made; that the sum of \$25,000, or as much thereof as may be necessary, be appropriated out of any money in the State Treasury not otherwise appropriated, for enclosing, improving, ornamenting and the proper protection of the three hundred and thirty-seven acres of land owned by the State in Harris county, Texas, and known as the 'San Jacinto Battlefield,' under such restrictions as to you may seem right and proper.

"Hands that can be generous, hearts that are loyal, grant this appeal, and let not the fires of patriotism dwindle into ashes of forgetfulness.

Respectfully submitted,
MRS. J. J. MCKEEVER, JR.,
President.
MRS. NELLY S. COX,
Secretary.

HOUSE BILL NO. 243.

On motion of Senator Wilson, pending business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 243.

RECESS.

On motion of Senator Perkins, the Senate, at 12:45 o'clock p. m., took a recess until 3 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Davidson of DeWitt.

ACTION RESCINDED.

Senator Henderson moved that the Senate rescind the vote by which House bill No. 381 was passed finally.

The motion prevailed.

PENDING BUSINESS.

The Chair laid before the Senate, on its second reading, pending business,

House bill No. 243, A bill to be entitled "An Act to appropriate \$50,000 to be paid to any one who will discover and furnish a practical remedy that will exterminate the cotton boll weevil, and \$2,500 for expenses and per diem of committee to pass on the findings of said person or persons."

With the following committee amendments:

"Amend wherein the figure '\$50,000' occurs by inserting in lieu thereof the figures '\$25,000.'"

"Amend wherein the words 'Commissioner of Agriculture of Texas' appear by inserting after same the words, 'or, if there be no such office as Commis-

sioner of Agriculture provided by law, the Commissioner of Insurance, Statistics and History.'"

The committee amendments were adopted.

The bill was read second time, and passed to a third reading.

Senator Wilson moved to reconsider the vote by which the bill was passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 89 SIGNED.

The Chair (President Pro Tem. Davidson of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read:

Senate bill No. 89, "An Act to transfer the counties of Bastrop, Burleson, Lee and Washington from the community school system to the district school system, and directing the commissioners courts of the said counties to subdivide them into convenient school districts."

(Senator Hanger in the chair.)

HOUSE BILL NO. 20 RESUMED.

Pending business, House bill No. 20, was again resumed.

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 8.

Senator Mills called up Senate bill No. 8, and moved that the Senate rescind its action in adopting the Free Conference Committee report.

The motion prevailed, and

Senator Mills asked that another Free Conference Committee be appointed.

The Chair (President Pro Tem. Davidson of DeWitt) appointed the following Free Conference Committee on Senate bill No. 8: Senators Mills, Harper, Hale, Morris, Willacy.

SENATE BILLS NOS 90 AND 204 SIGNED.

The Chair (President Pro Tem. Davidson of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

Senate bill No. 204, "An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring, with power to maintain and operate, street railways and suburban or belt lines of railway within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities."

Senate bill No. 90, "An Act to provide a charter for the city of Marshall, Harrison county, Texas; defining its boundaries; providing offices and prescribing their duties and powers; creating a corporation court, and defining its powers and jurisdiction, and declaring an emergency."

PRIVILEGED COMMITTEE REPORTS.

The following privileged reports were made:

ENGROSSED BILLS.

Committee Room,
Austin, Texas, March 17, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 154, A bill to be entitled "An Act to amend Article 63, Chapter 1, Title II, of the Code of Criminal Procedure of Texas, relating to the jurisdiction of courts,"

And find the same correctly engrossed
PATTESON, Chairman.

Committee Room,
Austin, Texas, March 16, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 207, A bill to be entitled "An Act to regulate and define the fees of sheriffs in district courts of the State of Texas for summoning special venires,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, March 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 191, A bill to be entitled "An Act to require the county clerk, district clerk and other officers of Washington county, Texas, who have possession of the deed records, probate records, district court records or other records of that portion of Liberty county formerly known as the northern division of Liberty county to deliver said records to the county judge of Polk county, and to provide for the validity of said records when so filed,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, March 18, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 252, A bill to be entitled "An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate:

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 304, A bill to be entitled "An Act to name the several counties composing the Fifty-first Judicial District, and to fix the times for holding the district courts therein, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly engrossed.
PATTESON, Chairman.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 256, A bill to be entitled "An Act to amend Articles 2514, 2518c, 2518k, 2518m and 2518n, Chapter 175, of the General Laws of the State of Texas, of 1899, and repealing Article 2518r, Chapter 175, of the General Laws of 1899, and all other laws in conflict herewith, relating to Fish and Oyster Commissioner and his duties,"

And find the same correctly engrossed.
PATTESON, Chairman.

JUDICIARY NO. 1.

(By unanimous consent.)

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 150, A bill to be entitled "An Act to prohibit roping contests, and to prescribe a penalty for engaging in the same, and to declare an emergency,"

Have had the same under considera-

tion, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

PAULUS, Chairman.

ENROLLED BILLS.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate:

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 90, "An Act to provide a charter for the city of Marshall, Harrison county, Texas; defining its boundaries; providing officers and prescribing their duties and powers; creating a corporation court, and defining its powers and jurisdiction, and declaring an emergency,"

And find the same correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

HALE, Chairman.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 204, "An Act to amend Subdivision 21, of Article 642, of the Revised Civil Statutes of the State of Texas, adopted in 1895, so as to provide that corporations organized for the purpose of constructing or acquiring, with power to maintain and operate, street railways and suburban or belt lines of railway within and near cities and towns which use electric power shall be authorized to supply and sell electric light and power to the public and to municipalities,"

And find the same correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

HALE, Chairman.

JUDICIARY NO. 2.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 311, A bill to be entitled "An Act to amend Section 9, of Chapter 103, of the General Laws of the Twenty-fifth Legislature, so as to fix the fees of the tax collector and county clerk on delinquent taxes so as to read as follows,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

HANGER, Chairman.

TOWNS AND CITY CORPORATIONS.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 306, A bill to be entitled "An Act to prohibit cities and towns incorporated under the general laws of this State from making contracts with persons or corporations to furnish water or lights for a longer term than five years,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

HICKS, Chairman.

IRRIGATION.

Committee Room,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Irrigation, to whom was referred

Senate bill No. 245, A bill to be entitled "An Act to require persons, firms or corporations owning or operating canals, ditches, flumes, feeders, laterals, reservoirs, dams, lakes or wells for providing water for irrigation, to furnish such waters to persons owning land along the route of such canals or laterals at a reasonable rate without discrimination in rate, terms or manner or service; regulating the liability of such persons, firms or corporations for failure to furnish water, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do not* pass, but that the following committee substitute be passed in lieu thereof:

S. S. B. No. 245.]

[By Committee.

A BILL

TO BE ENTITLED

An Act to amend Articles 3125, 3126 and 3131 of the Revised Civil Statutes of the State of Texas, relating to the law of irrigation, and to corporations incorporated for that purpose; and to add to Chapter 2, Title LX of the Revised Civil Statutes of the State of Texas Articles 3125a, 3125b, 3125c, 3125d, 3125e, 3125f, 3125g, 3125h,

3125i, 3125j, 3125k, 3125l, 3125m, 3125n, 3125o and 3131a, providing other and further rights, liabilities and duties for corporations engaged in irrigation conferring the power of eminent domain upon such corporations and a method for exercising the same; defining permanent water rights and providing for the distribution of the same; granting a right of way to irrigation corporations over public lands, authorizing existing corporations to adopt the provisions of this act; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3125 of the Revised Civil Statutes of the State of Texas be amended so as to hereafter read as follows:

Article 3125. Corporations may be formed and chartered under the provisions of this chapter for the purposes of constructing, maintaining, operating and owning storage reservoirs; to impound running or storm water, or both; for the digging and equipping of wells; for the acquisition, by purchase or otherwise, of any water supply; for the construction, operation and maintenance, and the distribution of water through canals, laterals, ditches, flumes, pipe lines, pumps, filters, filtration plants and beds, and other necessary appliances and devices for raising, conducting, transferring and distributing water to all persons, firms and corporations entitled to the same for irrigation, mining, milling, stock-raising and other useful purposes, and to cities and towns for waterworks.

Article 3125a. Private corporations may be created for the purpose of owning, constructing, maintaining and operating canals, ditches, flumes, feeders, laterals, reservoirs, dams, lakes, and wells, and of conducting and transferring water to all persons entitled to the same for the irrigation of lands devoted to the culture of rice, and they shall be invested with all singular the rights, powers and privileges conferred upon irrigation corporations under this chapter, and subject to the duties and liabilities of the same. Provided, however, that all such corporations shall be compelled to furnish water at their canals to the public owning or controlling lands adjacent to their canals, and susceptible and fit for irrigation therefrom as provided for by this chapter. This article shall apply only to corporations created for the purpose of irrigating rice and of transporting farm products to mills, railroads, waterways, and warehouses to be milled, shipped or stored.

Article 3125b. Any corporation organized under any of the provisions of this chapter is authorized to enter upon any lands, whether owned by private persons in fee simple, or any less estates; or by any corporation, whether acquired by purchase or otherwise; or by virtue of any provision in the charter of any such corporation, for the purpose of making preliminary surveys and examinations with a view to the construction of its reservoirs, lakes, dams, wells, canals, ditches, flumes, feeders, laterals, pipe lines, pumping plants, filtration beds or plants or buildings in connection with any such plants, but subject to responsibility for all damages that may be occasioned thereby.

Article 3125c. Any corporation organized under any of the provisions of this chapter or the General Laws of Texas, for irrigation, waterworks, or for the distribution of water, or for either or all of said purposes, is declared to be for a public use, and is hereby expressly given the power to exercise eminent domain. Any such corporation may condemn and appropriate all the land and easements necessary to the construction and maintenance of its dams and wells, and the necessary land needed for its reservoirs, lakes, canals, laterals, pumping sites, and buildings, filtration beds and plants, and for the construction and maintenance thereof, and for all other easements required. Any such corporation may condemn and appropriate the necessary water of the riparian owner for such corporation's uses, and for the distribution thereof among the cities, towns, corporations, firms and individuals entitled thereto. Such corporations may condemn and appropriate the necessary land and easements for the right of way of its canals, laterals, ditches, pipe lines, and flumes, over or under any railroad, canal, lateral, ditch, pipe line or flume, provided such crossing shall be made so as not to interfere with the uses and purposes for which the rights of way are being used by said railroad, and as not to interfere with or impede the flow of water through the canals, laterals, ditches, pipe lines or flumes crossed. If any railroad company objects to any such crossing, then it shall be made under the rules and directions of the Railroad Commission of the State of Texas; and all the proceedings and all the rules provided by law in case of condemnation of rights of way by railroad companies, so far as they are applicable, shall apply to condemnation by corporations of the necessary land and easements authorized to be acquired and condemned for the purposes named in this article.

Article 3125d. When any corporation organized under the provisions of this chapter, shall desire with its canal, ditch, flume or lateral, to cross any other canal, ditch, flume or lateral, or the rights of way therefor, if the owners of such canals, ditches, flumes or laterals cannot agree as to the manner or mode of making such crossing, the corporation desiring to make such crossings shall have the right to condemn the rights of way across the canal, ditch, flume, lateral and rights of way therefor, desired to be crossed, but in doing so the canal, ditch, flume or lateral so crossed shall not be injured in any manner, nor shall the flow of water therein be to any extent interfered with or impeded. And in case of any such disagreement the corporations desiring to make such crossing shall file a petition under the rules now obtaining with reference to the condemnation of rights of way by railway companies, stating the circumstances, with the county judge of the county in which such crossing is located, praying the appointment of three disinterested, qualified freeholders of such county, as commissioners to determine the mode and manner of affecting the said crossing, and to assess the damages. Such county judge shall, if the contending parties can agree, give preference to those who shall be agreed upon by the contending parties.

Article 3125e. Said commissioners shall qualify, and in all things proceed, in manner and form as provided in the case of condemnation of rights of way by railway companies, to determine the manner and mode of constructing such crossing, and shall also, under the rules of law now obtaining in the case of condemnation of rights of way by railway companies, assess the damages to be paid to the owner of the canal, ditch, flume, or lateral so crossed by the corporation crossing the same, and shall report their findings to the county judge as required by law in the case of condemnation of rights of way by railway companies.

Article 3125f. All the proceedings and all the rules provided in the case of condemnation of rights of way by railway companies, so far as applicable, shall govern in the subsequent proceedings between the parties, except as hereinafter indicated.

Article 3125g. If either party be dissatisfied with the decision of such commission, either as to the manner and mode of constructing such crossing or as to the amount of the award, he may, within ten days after the same has been filed with the county judge, file his opposition thereto in writing, setting forth the particular cause or causes of his ob-

jection, and thereupon the adverse party shall be cited and said cause shall be tried and determined as in civil causes in said court. And, provided further, that if the only matter at issue upon the trial in the county court shall be an opposition to the decision of the commissioners determining the manner and mode of such crossing, either party to such section shall be entitled to take his appeal or writ of error to the court of Civil Appeals of such district, under the general appellate procedure, and jurisdiction of such appeals is hereby conferred upon the respective Courts of Civil Appeals in such causes arising within the respective supreme judicial districts.

Article 3125h. Pending the trial of such cause in the county court, or pending the appeal to the Court of Civil Appeals, such corporation shall be entitled, by complying with the terms of the award as to the manner and mode of such crossing, and after having otherwise complied with the award as required by the law, providing for the condemnation of rights of way by railway companies, to proceed to effect the aforesaid crossing; and provided further that such crossing shall be made in such mode and manner as not to injure the canal, ditch, flume or lateral so crossed, or to impede the flow of water therein; and provided further, that nothing in this act shall be construed to deny to the owner or owners of such canal, ditch, flume or lateral so crossed the right to maintain in any and all courts of competent jurisdiction, suits at law or in equity to recover damages for, or to restrain the infliction of injury upon such canal, flume or lateral so crossed, caused or done by such corporation in the construction of such crossing, if attempted to be done in a manner not in conformity with the award of such commissioners.

Article 3125i. In any case, where pending the final determination of the opposition to any award in the county court, or where pending an appeal from the judgment of the county court, or writ of error thereto, the corporation shall, in manner and form as directed in the award, have constructed its crossing over such canal, ditch, flume or lateral, and where, by the final judgment of the Court of Civil Appeals or the county court, it shall be decreed that such crossing shall be made in manner or form other than as determined by said commissioners, such corporation shall forthwith remove or reconstruct said crossing in conformity with the terms of such decree; provided, pending the reconstruction of such crossing, in mode

and manner to conform to such decree, but not to exceed ninety days, such corporation may be authorized to maintain such crossing in its original form, subject to its liability, nevertheless, to pay all damages and injuries occasioned or continued during such extended period of ninety days or less.

Article 3125j. All corporations, except as hereinafter limited, shall have power and authority to sell permanent water rights to the reasonable extent of their water supply, to, or in, any water owned or controlled by it, or storage space in any reservoir owned or controlled by it, and may secure the payment therefor by lien on land or other property, and may also lease, rent, or otherwise dispose of any such water or storing in any reservoir, for such time, and on such terms, and upon such security as may be agreed upon between such corporation and the person, firm, corporation, city or town desiring the water. The person, firm, corporation, city or town purchasing a permanent water right, shall have the preference right to a sufficient amount of water for the beneficial uses contracted for, in the order of the filing of their contracts for registration as hereinafter provided. If a disagreement arises as to terms or prices, such corporations shall nevertheless, to the extent of its reasonable ability so to do, and upon a demand in writing therefor, showing a readiness, willingness and ability to pay the market value thereof, sell a permanent water right for such market value, and on reasonable terms, to any person, firm, corporation, city or town demanding the same, for a beneficial use.

A permanent water right is defined to be a written contract of sale, or lease, by a corporation of a stated amount of water of its water supply, or a given storage space for water in its reservoir, lake or dam.

Provided, that none of the provisions of this article relating to the permanent water right, shall apply to corporations incorporated for the irrigation of rice, and that no permanent water right shall be sold for the use of any lands intended for the cultivation of rice, and that not water contracted for by any permanent water right contract shall be used, by virtue of the provisions of any such contract, in the cultivation of rice.

Article 3125k. The surplus water not sold or leased by written contract, duly filed for record, as hereinafter provided, may be demanded not later than the fifteenth of January, of any year, by any city, town, person, firm or corporation, for a beneficial use, at the market value thereof, and on such terms as shall be just and reasonable.

If a disagreement arises as to terms or prices, such corporation shall, nevertheless, to the extent of its reasonable ability so to do, and upon a demand in writing thereof, showing a readiness, willingness and ability to pay the market value thereof, sell or lease such surplus water for a beneficial use; and the persons, firms, or corporations contracting therefor shall be entitled in preference right thereto, in the order of the filing of their applications therefor with the secretary of such corporation; provided, that the provisions of this article shall apply to all irrigation or water companies incorporated under the provisions of this chapter, except those incorporated for the purpose of furnishing water to land for the irrigation or cultivation of rice.

Article 3125l. All persons who own or hold a possessory right, or title, to lands adjacent or contiguous to, and being within three-fourths of one mile off any canal, lake, reservoir or dam, heretofore or hereafter constructed and maintained under the provisions of this chapter, shall have a right to be supplied from such canal, lake, dam or reservoir, with water necessary and sufficient to irrigate such land, upon such terms, and for such prices as may be agreed upon; and in the event any such corporation, owning or controlling such water, and the person who owns or holds such possessory right, or title, to said land, adjacent or contiguous to any such canal, lake, dam or reservoir, heretofore or hereafter constructed and maintained under the provisions of this chapter, fail to agree upon terms and prices for the use or rental of the water necessary and sufficient to irrigate such lands, such corporation shall, nevertheless, to the extent of its reasonable ability to do so, furnish to such person, upon his demand therefor in writing, the water necessary and sufficient to irrigate such land upon terms that are just and reasonable, and at the reasonable market value thereof; and the person making such demand in writing, shall state therein that he is ready and willing to agree to such terms and to pay such price, and such demand shall be made not later than the fifteenth day of January, of the year during which such water is desired, and if such corporation should refuse to comply with such demand, it shall be liable in damages to the extent of the injury actually sustained by the person making such demand. If any owner, or owners, of land lying within the three-fourths mile limit hereafter mentioned, shall fail to make such demand by or before January fifteenth, in any year, then the corporation owning such canal shall be at liberty to dispose of any water owned by it, not required to irrigate lands

owned within said three-fourth mile limit, and the owners of which shall have demanded water on or before January 15th, for the irrigation of lands lying without such three-fourths mile limit; provided, no obligation is intended to be imposed hereby on such corporation to enter into contracts to furnish water for the irrigation of any land lying without said three-fourths mile limit. This article is intended to apply only to corporations engaged in the business of irrigating lands for cultivation of rice.

Article 3125m. Every corporation chartered under the provisions of this chapter shall become liable, and the same, by the act of incorporation, shall undertake and agree, to supply and furnish from its canal, as the same is constructed, at any and all reasonable times and occasions, and at prices, and upon terms as stipulated by Article 3125h of this act, water necessary and sufficient for the irrigation of all lands susceptible to, and fit for, irrigation and cultivation in rice, lying within a distance of three-fourths of one mile at right angles on each side of the center of the canal of such corporation, and the owner, or owners, of which propose to devote the same to the cultivation of rice; and the owner, or owners, of such lands lying within the said three-fourths of one mile limit, on each side of said canal, shall have and enjoy the right to be supplied from such canal, by said corporation, with all water reasonable necessary at any all times for the successful irrigation of the same, for the purpose of growing rice; and it is made the duty of such corporation so to supply such lands within the said limit, as hereinbefore set forth. This article shall apply only to corporations engaged in irrigating lands for the cultivation of rice.

Article 3125n. No corporation chartered under the provisions of this chapter shall be compelled to furnish water except at their canals.

Article 3125o. Any instrument of writing providing a permanent water right shall be admitted to record, in the same manner as instruments of writing relating to the conveyance of land, and when filed for record, and subject to registration as provided, it shall be of full force and effect, and not till then; and it shall then attach the rights and privileges therein provided for, as an easement to the property for which it is provided.

Section 2. That Article 3126 of the Revised Civil Statutes of the State of Texas be amended to read as follows:

Article 3126. All corporations char-

tered or incorporated under any of the provisions of this chapter are hereby granted the right of way, not to exceed in width 300 feet, over all public, public free school, University and asylum lands of the State of Texas, with the use of rock(gravel and timber on the right of way, for construction purposes.

Sec. 3. That Article 3131 of the Revised Civil Statutes of the State of Texas be amended so as to read hereafter as follows:

Article 3131. Any corporation organized under the provisions of this chapter, shall have the power to acquire lands by voluntary donation, or purchase, or in payment for stock or water rights, and to hold, utilize and dispose of all such land and other property, and to borrow money for the construction, maintenance and operation of its canals, ditches, flumes, feeders, reservoirs, dams, lakes and wells, and may issue bonds and mortgage its incorporate and other property and franchises to secure the payment of any debts for same; provided, no such corporation shall issue stocks or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void; and provided further, that all lands acquired by said corporation, except such as are used for the construction, maintenance and operation of such canals, ditches, laterals, feeders, reservoirs, dams, lakes and wells, or for the irrigation or culture of rice, shall be alienated within fifteen years from the date of acquiring said lands, or be subject to judicial forfeiture.

Sec. 4. That Article 3131a be added, to read as follows:

Article 3131a. Any corporation heretofore incorporated under the General Laws of the State of Texas, or under the provisions of this chapter, or both, shall be entitled to amend its charter and adopt the provisions of this charter.

Sec. 5. That all laws and parts of laws in conflict with the provisions of this act shall be, and the same, hereby repealed.

Sec. 6. The near approach of the close of the present session, the crowded condition of the calendar, the deficiencies in the existing irrigation laws, and the unsettled condition of that industry, create an emergency, and an imperative public necessity exists that the rule requiring bills to be read on three several days, be, and the same is, hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

FAUBION, Chairman.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 444, A bill to be entitled "An Act to amend Section 3 of an act entitled 'An Act to reorganize the Thirty-second Judicial District of the State of Texas, and to designate the counties which compose the same; to prescribe the time for holding the district courts therein; to validate all processes and writs and bonds issued or executed prior to the taking effect of this act, and returnable to the terms of the said court as heretofore fixed by law, and to make same returnable to the terms of the said court as fixed in this act, and to repeal all laws and parts of laws in conflict herewith.'"

That the House adopted Free Conference Committee report to Senate bill No. 65.

Respectfully,

BOB BARKER,

Chief Clerk House of Representatives.

FREE CONFERENCE COMMITTEE REPORT.

Austin, Texas, March 19, 1903.

Hon. Geo. D. Neal, President of the Senate, and Hon. Pat M. Neff, Speaker of the House of Representatives.

SIRS: We, your Free Conference Committee on Senate bill No. 65, appointed to take action on House amendments, beg leave to report as follows:

The Senate concurs with the House on amendments as follows:

"Amend by adding after the word 'repealed,' line 24, page 1, the following: 'That so much of Subdivision 13, of Article 5949, Chapter 18, Title CIV, of the Acts of the First Called Session of the Twenty-fifth Legislature that imposes an occupation tax on dentists be and the same is hereby repealed.'

"Add at the end of line 24: 'And that so much of Section 12 of said article as imposes an occupation tax on persons practicing law be and the same is hereby repealed.'

"Amend by adding the following after the word 'merchants,' in line 23: 'And persons and bankers engaged in discounting paper and buying and selling county and city warrants.'

"Amend by adding the following after the word 'repealed': 'Provided, that this act shall take effect and be in force from and after January 1, 1905.'"

The Conference Committee recommends the following amendment to the bill:

"Amend by adding after the word 'merchants,' in line 19, page 1 of the Senate printed bill, the following: 'Dentists, lawyers and bankers.'"

HARBISON,
DAVIDSON of DeWitt,
HALE,
FAUBION,
WILLACY,

On part of the Senate.

MURRAY,
MULKEY,
CALVIN,
COTTRELL,
STOLLENWERCK,

On part of the House.

Senator Harbison moved that the report be adopted.

The motion prevailed.

SIMPLE RESOLUTION.

Senator Savage offered the following resolution:

Resolved, That Mr. Gus Wilke, the contractor who constructed this capitol building so perfectly and satisfactory to the State, be invited to a seat within the bar of the Senate.

The resolution was read and adopted.

Senator Grinnan offered the following letter, and asked that it be published in the Journal:

Clairette, Texas, February 13, 1903.

Senator Grinnan, Austin, Texas.

DEAR SIR: I present to you my grievances, not only my grievances, but of all the people in this county and surrounding counties.

In regard to the quarantine line. We all are bitterly opposed to any such thing. I, myself, have been in the cattle business ever since 1855. I have handled cattle on the range for fifty years; also have been a cattle shipper and what is known as the Kansas cattle trade. I drove to all the markets in Kansas and Nebraska, and have sold cattle to men who had ranches in the Black Hills and to men in Colorado, Wyoming, Dakota, Montana and Nevada. Texas cattle was mixed with the native herds. In all my experience in cattle business I never had one to die from the cause of tick bites, and of all the cattle I sold and shipped to the above mentioned places I never heard any complaint of that kind. There are lots of people in this country who would take their cattle to the Panhandle if they were not afraid they would be stopped when they reached the quarantine line. I say open up for the settlers, let ticks mix, and turn Texas loose and

prove the folly of those who would monopolize the great fertile plains of Texas.

Now, trusting that you will give this your special attention, I remain,

Yours very respectfully,

W. C. BISHOP.

(Senator Willacy in the chair.)

HOUSE BILL NO. 20.

Action again recurring on House bill No. 20,

Question being on the motion by Senator Davidson of DeWitt to postpone until April 1st.

The question was called for and,

On this question, Senator Sebastian moved a call of the Senate.

The motion was duly seconded, and the roll was called, the following Senators answering to their names:

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Galveston.	Martin.
Davidson of	McKamy.
Decker.	Mills.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	

Absent.

Douglass.	Patteson.
Morris.	Wilson.

Senator Hanger moved to excuse the absentees as shown by the above roll call.

The motion prevailed by the following vote:

Yeas—21.

Beaty.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	Lipscomb.
Galveston.	McKamy.
Decker.	Mills.
Faubion.	Morris.
Faulk.	Patlus.
Faust.	Perkins.
Hale.	Savage.
Hanger.	Willacy.
Harbison.	

Nays—7.

Brachfield.	Martin.
Cain.	Sebastian.
Grinnan.	Stafford.
Harper.	

Absent.

Douglass.	Wilson.
Patteson.	

Senator Hanger moved the previous question on the motion to postpone consideration of the bill until April 1st, at conclusion of morning call.

The motion was duly seconded, and the previous question was ordered.

The motion to postpone prevailed by the following vote:

Yeas—16.

Beaty.	Hale.
Davidson of	Hanger.
DeWitt.	Hicks.
Davidson of	Hill.
Galveston.	Lipscomb.
Decker.	McKamy.
Faulk.	Morris.
Faust.	Paulus.
Faubion.	Willacy.

Nays—12.

Brachfield.	Mills.
Cain.	Perkins.
Grinnan.	Savage.
Harper.	Sebastian.
Henderson.	Stafford.
Martin.	Douglass.

Present—Not voting.

Harbison.

Absent—Excused.

Patteson.

Wilson.

PAIRED.

Senator Faubion (present) who would vote "yea," with Senator Douglass (absent) who would vote "nay."

Senator Hanger moved to reconsider the vote by which the motion prevailed, and lay that motion on the table.

The motion to table prevailed by the following vote:

Yeas—19.

Beaty.	Harbison.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	Lipscomb.
Galveston.	McKamy.
Decker.	Mills.
Faubion.	Morris.
Faulk.	Paulus.
Faust.	Stafford.
Hale.	Willacy.
Hanger.	

Nays—9.

Brachfield.	Martin.
Cain.	Perkins.
Grinnan.	Savage.
Harper.	Sebastian.
Henderson.	

Absent—Excused.

Douglass.	Wilson.
Patteson.	

ADJOURNMENT.

On motion of Senator Harbison, the Senate, at 7:35 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

FORTY-FIRST DAY.

Senate Chamber,
Austin, Texas, Friday, March 20, 1903.

Senate met pursuant to adjournment.
President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Absent.

Beaty.	Grinnan.
Douglass.	

ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
W. E. DeLamar.
R. M. Gilmore.
Amos Wynne.
W. M. Cobb.
Eldred McKinnon.
Mrs. Laura V. Grinnan.
F. P. Smith.
Miss Lucy Lane.
C. H. Allen.
D. F. Hughes.
Frank Mullins.
C. J. Kirk.
Rev. I. S. Davenport.
Miss May Fant Odom.
J. C. Son.
Miss Georgia Sturgiss.
Mrs. Hattie Yarbrough.
Mrs. Hope H. Hawkins.
Miss Emily Holcomb.
Mrs. J. R. Van Orden.
Miss Bessie Goldstein.
Miss L. Stanley.
W. T. Pace.
W. A. Shaw, Jr.

Lucien Goss.
Herbert Davenport.
Charlie Lane.
Willie Gibson.
Henry Paulus.
Evetts Thornhill.
Walter Savage.
Jas. Sebastian.
Willie Gray.
Jamie Snipes.
Ed Underhill.
Will Bartley.
Reed Pierson.
Josh Pyles.
Ellis Monroe.
Albert Hill.
Dan Edwards.
Mark Marsh.
Jim Hill.

(Senator Henderson in the chair.)

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Patteson, the same was dispensed with.

EXCUSED.

On motion of Senator Faust, Mrs. Hawkins was excused from attendance upon the Senate for today and tomorrow on account of important business.

On motion of Senator Decker, Senator Douglass was excused from attendance upon the Senate for Wednesday and yesterday on account of sickness.

On motion of Senator Patteson, James Sebastian, page, was excused from attendance upon the Senate indefinitely on account of sickness.

COMMITTEE REPORTS.

The following committee reports were offered:

Committee Room,
Austin, Texas, March 20, 1903.

Hon Geo. D. Neal, President of the Senate.

SIR: Your Committee on Public Health and Vital Statistics, to whom was referred

Senate bill No. 168, A bill to be entitled "An Act to carry into effect Section 32, of Article 16, of the Constitution of the State of Texas, in relation to vital certificates; to enlarge the scope and powers of the existing health system of the State for the better perfection of public health; to change the name of the Quarantine Department to the Department of Public Health and Vital Statistics within said department; to authorize the State Health Office to prepare, promulgate and enforce, under suitable penalties, for violation of its provisions a san-